

DIVORCE WITHOUT CHILDREN

4

The Court Order

**Part 4: To get the Divorce Order
(Forms Packet)**

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SELF SERVICE CENTER

“DECREE OF DISSOLUTION OF MARRIAGE (DIVORCE)-- WITHOUT CHILDREN” PART 4--THE COURT ORDER (Forms Only)

How to assemble these documents

This packet contains court forms about completing the Divorce Decree. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRDA8ft	Table of forms in this packet	1
2	DRDA8k	Checklist to file	1
3	DRDA81f	<i>“Decree of Dissolution of Marriage (Divorce)-- Without Children”</i>	8
4	DRS89f	<i>“Judgment Data Sheet”</i>	1

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SELF SERVICE CENTER

“DECREE OF DISSOLUTION OF MARRIAGE (Divorce)-- WITHOUT CHILDREN”

CHECKLIST

Use the forms and instructions in this packet **ONLY** if the following factors apply to your situation:

- ✓ You, **or** your spouse, filed a “***Petition for Dissolution of Marriage (Divorce) Without Children,***” **AND**
- ✓ You and your spouse have no minor children in common, by birth or adoption, **AND** the wife is **not** pregnant by the husband **OR** will **not** be pregnant by the husband before the divorce is over, **AND**
- ✓ You are ready to complete the court papers to get a Divorce Decree, **AND**
- ✓ You are going to a default hearing, **or** you have filed the papers to get a default divorce without a hearing, **or** both parties have signed the document consenting to the divorce, **or** you are going to trial.

READ ME: It is very important for you to know that when you sign any court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

Name of Person Filing Document: (A) _____
Address: _____
City, State, ZIP Code: _____
Telephone Number: _____
ATLAS Number (if applicable): _____
Attorney's Bar Number (if applicable): _____
Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

Case Number: _____ (C)

(Name of Petitioner) (B)

**DECREE OF DISSOLUTION
OF MARRIAGE (Divorce)
WITHOUT CHILDREN**

AND

☐ By Consent Decree OR
☐ By Default OR
☐ After Trial

(Name of Respondent)

THE COURT FINDS: (D)

1. This case has come before this court for a final ***"Decree of Dissolution of Marriage (Divorce) Without Children."*** The court has taken all testimony needed to enter a final Decree, or has determined testimony is not needed to enter the final Decree.
2. This court has jurisdiction over the parties under the law, and the provisions of the Decree are fair and reasonable under the circumstances.

SERVICE BY PUBLICATION:

If Respondent was served by publication and was not personally served, this court cannot make legal orders, with respect to issues of community property or debt, or spousal maintenance/support. The court reserves jurisdiction until personal service is made upon Respondent to consider the maintenance/support of either spouse, the disposition of community property or debts, and any other relief requested in the Petition or orders deemed necessary by the court.

3. The court finds:
 - (a) That the marriage of the parties is not a "covenant" marriage.
 - (b) At the time this action was filed, one of the parties lived in Arizona for more than 90 days, or had lived in Arizona, while a member of the United States Armed Forces, for more than 90 days.
 - (c) The provisions of A.R.S. § 25-381.09 relating to Conciliation Court either do not apply or have been met.
 - (d) The marriage is irretrievably broken (the marriage is over).
 - (e) Where it has the legal power to do so and where it is applicable to the facts of this case, this court has considered, approved, and made orders relating to the issue of spousal maintenance/support, and the division of property and/or debts.

☐ The parties did **not** acquire any community property or debts during the marriage; **OR**,
☐ The parties have agreed to a division of community property and/or debt as evidenced by their signatures on Exhibit A attached to, and incorporated in, this Decree; **OR**,

- ☐ There is **no** agreement as to division of property and/or debt, but all community property and/or debt is divided pursuant to this Decree.
- (f) ☐ Wife **is not** pregnant; **OR**,
☐ Wife **is** pregnant, and the other party (husband) ☐ **IS** or ☐ **IS NOT** the father of the child.
- (g) ☐ The Petitioner, **OR**
☐ The Respondent

Lacks enough property, including property given to him/her as part of this divorce, to provide for his/her reasonable needs, and is unable to support himself/herself through an appropriate job, or he/she is providing the primary care to a child(ren) of young age or is of a condition that he/she should not be required to look for work outside of the home, or lacks earning ability necessary to support himself/herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage of long duration and is of an age which may severely limit the possibility of getting a job in order to support himself/herself.

THE COURT ORDERS: (E)

1. The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.
2. Wife's name is restored to _____. (Put only the last name here.)
Husband's name is restored to _____. (Put only the last name here.)
3. **ENFORCEMENT OF TEMPORARY ORDERS:** All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of **ALL** temporary orders here) _____ shall be satisfied in full or judgment is awarded against the party with the obligation, up to the amount due and owing as of the date of this Decree, together with the highest legal interest allowed by law.
4. **SPOUSAL MAINTENANCE/SUPPORT (ALIMONY):**
 - (a) ☐ Neither party shall pay spousal maintenance/support (alimony) to the other party; **OR**,
 - (b) ☐ Petitioner, **OR**
☐ Respondent

Is ordered to pay ☐ Respondent, **OR** ☐ Petitioner the sum of \$_____ per month spousal maintenance/support **BEGINNING THE FIRST DAY OF THE MONTH** after this Decree is signed. Each payment shall be made by the first day of each month thereafter and shall continue until the receiving party is remarried, deceased or for a period of _____ months. All payments shall be made through the Clerk of this Court by automatic wage assignment, until all required payments have been made under this Decree. Payments made shall be included in the receiving spouse's taxable income and may be tax deductible from the paying spouse's income, subject to IRS Rules and Regulations.
5. **PROPERTY AND DEBTS:**
 - (a) ☐ Petitioner is ordered to pay all debts unknown to Respondent.
 - (b) ☐ Respondent is ordered to pay all debts unknown to Petitioner.

- (c) ☐ Each party is ordered to pay his/her debts which he/she incurred since the date of the parties' separation on _____ (date).
- (d) ☐ Other orders and relief relating to the division of community property and/or debts which are contained in Exhibit A, is attached and incorporated into and made a part of this Decree.
- (e) ☐ Each party is assigned his/her separate property and debts as contained in Exhibit A, which is attached and incorporated into and made a part of this Decree.
- (f) ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfers of titles for motor vehicles, houses, land, bank accounts, etc. ordered in this Decree.
- (g) ☐ For previous calendar years, the parties shall file, subject to IRS Rules and Regulations,
☐ joint federal and state income tax returns, and hold the other harmless from half of all additional income taxes and costs, if any, and each party shall share equally in tax refunds, if any,
OR
☐ separate federal and state income tax returns.

AND

- ☐ This calendar year and continuing thereafter, each party shall file separate tax returns.

AND

- ☐ Each party shall give the other party all necessary documentation to file all tax returns.

6. FINAL APPEALABLE ORDER. Pursuant to Arizona Rules of Civil Procedure, Rule 58, this final judgment/decree is settled, approved and signed by the court and shall be entered by the clerk.

DONE IN OPEN COURT this _____ day of _____, _____. **(F)**

JUDGE OR COURT COMMISSIONER

APPROVED AS TO FORM AND CONTENT BY: (G)

Approved by Petitioner: _____

Date: _____

Subscribed and sworn to me by the Petitioner, on this _____ day of _____, _____.

 Notary Public

My Commission Expires _____

DECREE OF DISSOLUTION OF MARRIAGE DIVORCE WITHOUT CHILDREN)

If you are filing a Consent Decree, the Respondent must also sign:

Approved by Respondent: _____

Date: _____

Subscribed and sworn to me by the Respondent, on this _____ day of _____, _____.

Notary Public

My Commission Expires: _____

If either party is represented by a lawyer, the lawyer must also sign:

Approved by Petitioner's Lawyer: _____

Date: _____

Approved by Respondent's Lawyer: _____

Date: _____

(If you are the Petitioner and you have a Default Hearing, and the Respondent was served with the court papers by signing an "Acceptance of Service", or by Registered Process Server or Sheriff, you must mail or give a copy of the Decree to the Respondent after the judge has signed it. You must tell the court you will do this.)

By signing below, Petitioner promises that a copy of the Decree will be mailed to Respondent.

A copy of the Decree will be mailed to the Respondent at the following address:

Respondent's Name: _____

Address: _____

City, State, Zip Code: _____

Petitioner's Signature: _____

Date: _____

EXHIBIT A: PROPERTY AND DEBTS (H)

6a. DIVISION OF COMMUNITY PROPERTY: (Be very specific in your description of the property)

☐ The community property is awarded to each party as follows:

6b. LIST OF COMMUNITY PROPERTY

AWARD TO:

	Petitioner	Respondent
<input type="checkbox"/> Household furniture/furnishings. (Be specific.) _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Appliances. (Be specific.) _____ _____ _____ _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> VCR. (Be specific) _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> TV. (Be specific) _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Personal Computer. (Be specific) _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Stereo. (Be specific) _____ _____	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Motor vehicle _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Cash, bonds of \$ _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Award each party the personal property in his/her possession.		
<input type="checkbox"/> Continued on reverse side or see attached list.		

6c. DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION

(WARNING. You should see a lawyer about your retirement, pension, deferred compensation,

401k plans and/or benefits. If you do not see a lawyer regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only a lawyer can help you prepare these documents.)

☐ Award each party his/her interest in any and all retirement benefits, pension plans, or other deferred compensation described as:

OR

☐ Each party **WAIVES AND GIVES UP** his/her interest in any and all retirement benefits, pension plans, or other deferred compensation of the other party:

Signature of Petitioner: _____

Signature of Respondent: _____

OR

☐ Neither party has a retirement, pension, deferred compensation, 401K Plan and/or benefits.

6d. DIVISION OF REAL PROPERTY: Section A is for one piece of property. Section B is for another piece of property. If you own more than two pieces of property, check the box and attach another sheet of paper with the information requested in Sections A and B.

A. Real property located at (address) _____ and which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

☐ Awarded to ☐ Petitioner or ☐ Respondent as his/her sole and separate property.

OR

☐ Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

B. Real property located at (address) _____ and which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

☐ Awarded to ☐ Petitioner or ☐ Respondent as his/her sole and separate property.

OR

☐ Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

☐ More than two pieces of property are involved. See attached sheet listing the same information as in Sections A and B.

6e. DIVISION OF COMMUNITY DEBTS: (You should see a lawyer about how to divide secured and unsecured debts.)

☐ The community debts shall be divided as follows:

Creditors	Account #	Amount Owed	Petitioner	Respondent
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____
_____	_____	\$ _____	_____	_____

☐ Continued on reverse side or attached list.

6f. ☐ Any debts or obligations incurred by either party before the date of separation, that are not identified in the list above or attached, shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

6g. SEPARATE PROPERTY.

☐ The separate property is awarded to each party as follows:

Description	Value	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

6h. SEPARATE DEBT:

☐ The separate debts shall be the responsibility of the person as described below.

Creditors	Amount owed	Petitioner	Respondent
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

☐ Continued on reverse side or attached list.

6i. SIGNATURES:

Approved by Petitioner: _____

Date: _____

Subscribed and sworn to me by the Petitioner, on this _____ day of _____, _____.

Notary Public

My Commission Expires _____

If you are filing a Consent Decree, the Respondent must also sign:

Approved by Respondent: _____

Date: _____

Subscribed and sworn to me by the Respondent, on this _____ day of _____, _____.

Notary Public

My Commission Expires: _____

If either party is represented by a lawyer, the lawyer must also sign:

Approved by Petitioner's Lawyer: _____

Date: _____

Approved by Respondent's Lawyer: _____

Date: _____

Case No. _____

ATLAS No. _____

JUDGMENT DATA SHEET (FOR INTERNAL USE ONLY*)

ATTENTION: COURT DIVISION AND STAFF. DO NOT FILE THIS DOCUMENT. DO NOT DISTRIBUTE THE COMPLETED JUDGMENT DATA SHEET TO THE PARTIES. THIS FORM IS FOR CLERK OF COURT INTERNAL USE ONLY.

PERSON TO RECEIVE PAYMENTS:

Name: _____

Gender: ☐ Male ☐ Female Date of Birth: _____

SSN: _____

Mailing Address: _____

Daytime Phone: _____

Evening Phone: _____

Other (cell, pager): _____

Email Address: _____

PERSON TO MAKE PAYMENTS:

Name: _____

Gender: ☐ Male ☐ Female Date of Birth: _____

SSN: _____

Mailing Address: _____

Daytime Phone: _____

Evening Phone: _____

Other (cell, pager): _____

Email Address: _____

EMPLOYER INFORMATION FOR PERSON MAKING PAYMENTS: Firm Name: _____

Payroll Mailing Address: _____

Phone: _____

Email Address: _____

CHILDREN:

Name	Gender (M/F)	Date of Birth	Social Security No. (if available)
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_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
-------	-------	-------	-------

_____	_____	_____	_____
-------	-------	-------	-------

☐ Additional children listed on attached sheet.

FOR COURT USE ONLY

Order Date: _____	Type of Order: _____			
Current Child Support	Arrearages	Current Spousal Maint.	Arrearages	Miscellaneous
Amount _____	Amount _____	Amount _____	Amount _____	Med Ins _____
Frequency _____	Frequency _____	Frequency _____	Frequency _____	Frequency _____
Due Date _____	Total _____	Total _____	Total _____	Med Bills _____
	Thru Date _____	Due Date _____	Thru Date _____	Frequency _____
	Due Date _____		Due Date _____	Due Date _____